

Calendar No. 404

108TH CONGRESS
1ST SESSION

S. 1741

[Report No. 108–204]

To provide a site for the National Women’s History Museum in the District of Columbia.

IN THE SENATE OF THE UNITED STATES

OCTOBER 16, 2003

Ms. COLLINS (for herself, Ms. MIKULSKI, Ms. LANDRIEU, Ms. STABENOW, Ms. SNOWE, Ms. CANTWELL, Mrs. BOXER, Mrs. CLINTON, Mr. DURBIN, Mrs. FEINSTEIN, Mr. LAUTENBERG, Mrs. LINCOLN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. AKAKA, Mr. VOINOVICH, Mr. COLEMAN, Mr. PRYOR, Mr. BENNETT, and Mr. SARBANES) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

NOVEMBER 20, 2003

Reported by Ms. COLLINS, without amendment

A BILL

To provide a site for the National Women’s History Museum in the District of Columbia.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Women’s His-
3 tory Museum Act of 2003”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) the National Women’s History Museum,
7 Inc., is a nonprofit, nonpartisan, educational institu-
8 tion incorporated in the District of Columbia;

9 (2) the National Women’s History Museum was
10 established—

11 (A) to research and present the historic
12 contributions that women have made to all as-
13 pects of human endeavor; and

14 (B) to explore and present in a fair and
15 balanced way the contributions that women
16 have made to the Nation in their various roles
17 in family and society;

18 (3) the National Women’s History Museum will
19 collect and disseminate information concerning
20 women, including through the establishment of a na-
21 tional reference center for the collection and preser-
22 vation of documents, publications, and research re-
23 lating to women;

24 (4) the National Women’s History Museum will
25 foster educational programs relating to the history
26 and contribution to society by women, including pro-

1 motion of imaginative educational approaches to en-
2 hance understanding and appreciation of historic
3 contributions by women;

4 (5) the National Women’s History Museum will
5 publicly display temporary and permanent exhibits
6 that illustrate, interpret, and demonstrate the con-
7 tributions of women;

8 (6) the National Women’s History Museum re-
9 quires a museum site near the National Mall to ac-
10 complish the objectives and fulfill the ongoing edu-
11 cational mission of the museum;

12 (7) the 3-story glass enclosed structure known
13 as the “Pavilion Annex” is a retail shopping mall
14 built next to the Old Post Office in 1992 by private
15 developers using no Federal funds on public land in
16 the Federal Triangle south of Pennsylvania Avenue,
17 N.W.;

18 (8) the Pavilion Annex came into the possession
19 of the General Services Administration following
20 bankruptcy and default by the private developer of
21 the Old Post Office Pavilion;

22 (9) the Pavilion Annex has been vacant for 10
23 years and is in a state of disrepair;

24 (10) the Pavilion Annex is located near an area
25 that has been identified as an ideal location for mu-

seums and memorials in the Memorials and Museums Master Plan developed by the National Capital Planning Commission;

(11) the National Women’s History Museum will provide a vibrant, cultural activity in a building currently controlled by the General Services Administration but unused by any Federal agency or activity;

(12) the General Accounting Office has determined that vacant or underutilized properties present significant potential risks to Federal agencies, including—

(A) lost dollars because of the difficulty of maintaining the properties; and

(B) lost opportunities because the properties could be put to more cost-beneficial uses, exchanged for other needed property, or sold to generate revenue for the Government;

(13) the National Women’s History Museum will use Government property for which there is no Government use as of the date of enactment of this Act, in order to—

(A) promote utilization, economy, and efficiency of Government-owned assets; and

(B) create an income producing activity;

1 (14) the National Women’s History Museum
 2 will attract an estimated 1,500,000 visitors annually
 3 to the District of Columbia; and

4 (15) the National Women’s History Museum
 5 will promote economic activity in the District of Co-
 6 lumbia by—

7 (A) creating jobs;

8 (B) increasing visitor spending on hotels,
 9 meals, and transportation; and

10 (C) generating tax revenue for the District
 11 of Columbia.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 (1) ADMINISTRATOR.—The term “Adminis-
 15 trator” means the Administrator of General Serv-
 16 ices.

17 (2) MUSEUM SPONSOR.—The term “Museum
 18 Sponsor” means the National Women’s History Mu-
 19 seum, Inc., a nonprofit organization incorporated in
 20 the District of Columbia.

21 (3) PAVILION ANNEX.—The term “Pavilion
 22 Annex” means the building (and immediate sur-
 23 roundings, including any land unoccupied as of the
 24 date of enactment of this Act) in Washington, Dis-
 25 trict of Columbia that is—

1 (A) known as the “Pavilion Annex”;

2 (B) adjacent to the Old Post Office Build-
3 ing;

4 (C) located on Pennsylvania Avenue, N.W.,
5 to the east of 11th Street N.W.; and

6 (D) located on land bounded on 3 sides by
7 the Internal Revenue Service buildings.

8 **SEC. 4. OCCUPANCY AGREEMENT.**

9 (a) IN GENERAL.—Notwithstanding any other provi-
10 sion of law, the Administrator shall enter into an occu-
11 pancy agreement to make the Pavilion Annex available to
12 the Museum Sponsor for use as a National Women’s His-
13 tory Museum in accordance with this section.

14 (b) APPRAISAL.—

15 (1) IN GENERAL.—Not later than 90 days after
16 the date of enactment of this Act, a fair market
17 value for the purpose of determining rent shall be
18 determined by not more than 3 appraisers, operating
19 under a common set of instructions, of whom—

20 (A) 1 shall be retained by the Adminis-
21 trator;

22 (B) 1 shall be retained by the Museum
23 Sponsor; and

24 (C) 1 shall be selected by the first 2 ap-
25 praisers only if—

1 (i) the first 2 appraisals are irrecon-
 2 cilable; and

3 (ii) the difference in value between the
 4 first 2 appraisals is greater than 10 per-
 5 cent.

6 (2) DIFFERENCE OF NOT MORE THAN 10 PER-
 7 CENT.—If the 2 appraisals differ by not more than
 8 10 percent, the fair market value shall be the aver-
 9 age of the 2 appraisals.

10 (3) IRRECONCILABLE APPRAISALS.—If a third
 11 appraiser is selected—

12 (A) the fee of the third appraiser shall be
 13 paid in equal shares by the Administrator and
 14 the Museum Sponsor; and

15 (B) the fair market value determined by
 16 the third appraiser shall bind both parties.

17 (c) TERM OF OCCUPANCY AGREEMENT.—

18 (1) IN GENERAL.—The term of the occupancy
 19 agreement shall be at least 99 years, or any lesser
 20 term agreed to by the Museum Sponsor.

21 (2) FIRST PAYMENT.—The first payment shall
 22 be due on the date that is 5 years after the date of
 23 execution of the occupancy agreement.

24 (d) PRIVATE FUNDS.—The terms and conditions of
 25 the occupancy agreement shall facilitate raising of private

1 funds for the modification, development, maintenance, se-
 2 curity, information, janitorial, and other services that are
 3 necessary to assure the preservation and operation of the
 4 museum.

5 (e) SHARED FACILITIES.—The occupancy agreement
 6 may include reasonable terms and conditions pertaining
 7 to shared facilities to permit continued operations and en-
 8 able development of adjacent buildings.

9 (f) RENOVATION AND MODIFICATION.—

10 (1) IN GENERAL.—The renovation and modi-
 11 fication of the Pavilion Annex—

12 (A) shall be carried out by the Museum
 13 Sponsor, in consultation with the Adminis-
 14 trator; and

15 (B) shall—

16 (i) be commenced as soon as prac-
 17 ticable but not later than 5 years after the
 18 date of execution of the occupancy agree-
 19 ment;

20 (ii) sever the walkway to the Old Post
 21 Office Building; and

22 (iii) enhance and improve the Pavilion
 23 Annex consistent with the needs of the Na-
 24 tional Women’s History Museum and the
 25 adjacent structures.

1 (2) EXPENSE CREDIT.—Any expenses incurred
2 by the Museum Sponsor under this subsection shall
3 be credited against the payment under subsection
4 (c)(2).

5 (g) REPORT.—If the Administrator is unable to fully
6 execute an occupancy agreement within 120 days of the
7 date of enactment of this Act, not later than 150 days
8 after the date of enactment of this Act, the Administrator
9 shall submit to the Committee on Governmental Affairs
10 in the Senate and the Committee on Government Reform
11 in the House of Representatives a report summarizing the
12 issues that remain unresolved.

13 **SEC. 5. EFFECT ON OTHER LAW.**

14 Nothing in this Act limits the authority of the Na-
15 tional Capital Planning Commission.

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